

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sarah Brannen	Team: Team # 8	CCRB Case #: 200307232	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/26/2003 7:00 PM	Location of Incident: Staten Island Mall	Precinct: 122	18 Mo. SOL 2/26/2005	EO SOL 2/26/2005	
Date/Time CV Reported Thu, 09/18/2003 12:47 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/18/2003 12:47 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Evan Goldberg	02880	930229	122 PCT
2. POM Michael Linder	28759	930572	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Rory Migdol	05517	914254	122 PCT
2. SGT Helene Arcuri	01006	901271	122 PCT
3. POM James Christensen	21471	917421	122 PCT
4. POM John Hagan	23674	894682	122 PCT
5. POM Louis Brinskelle	23546	918781	122 PCT
6. POM Sean Johnstone	11393	928556	122 PCT
7. POM Christop Mcnicholas	13462	928765	122 PCT
8. POM James Mcglyn	12909	925713	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Evan Goldberg	Abuse: PO Evan Goldberg stopped and questioned § 87(2)(b)	
B.POM Michael Linder	Abuse: PO Michael Linder stopped and questioned § 87(2)(b)	
C.POM Michael Linder	Abuse: PO Michael Linder stopped § 87(2)(b)	
D.POM Evan Goldberg	Abuse: PO Evan Goldberg stopped § 87(2)(b)	
E.POM Michael Linder	Abuse: PO Michael Linder arrested § 87(2)(b)	
F.POM Evan Goldberg	Abuse: PO Evan Goldberg arrested § 87(2)(b)	

## Synopsis

On 8/26/03 at about 6:30 p.m. § 87(2)(b) and § 87(2)(b) arrived at the Staten Island Mall to pick up their friend. § 87(2)(b) stopped the car in a no standing zone and PO Linder and PO Goldberg of the 122<sup>nd</sup> Precinct asked him to move. § 87(2)(b) argued for a moment, but then complied and parked in a valid spot. PO Linder and PO Goldberg followed § 87(2)(b) to the parking spot and asked him to wait and speak with them. § 87(2)(b) refused and walked toward the mall entrance. Meanwhile, the officers grabbed a hold of § 87(2)(b) by either arm and temporarily detained her until § 87(2)(b) returned. When § 87(2)(b) returned, the officers arrested him and called for back up. During the incident, several witnesses stopped to watch, two of them upset by the officers' actions, provided their names and contact information to § 87(2)(b). After § 87(2)(b) was under arrest, the officers discovered that he was driving with a suspended license. Both PO Linder and PO Goldberg argued that they approached § 87(2)(b) after he moved his car because he drove away recklessly and was not wearing his seatbelt. § 87(2)(b) and § 87(2)(b) believed the officers followed § 87(2)(b) because he made a negative comment upon pulling away or had an unfavorable attitude. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

## Summary of Complaint

§ 87(2)(b) and § 87(2)(b) a § 87(2)(b) white resident of Staten Island, called the CCRB on 9/18/03 to file this complaint. He and his girlfriend § 87(2)(b) a § 87(2)(b) female white, were interviewed at the CCRB on 12/18/03. (enc. 4a-w; 5a-c) Their statements, which are generally consistent with each other, are summarized below:

On 8/26/03 at about 6:30 p.m. § 87(2)(b) drove with § 87(2)(b) who was eight months pregnant at the time, to the Staten Island Mall to pick up a friend. § 87(2)(b) stopped his car in front of Macy's for a couple of minutes before two uniformed officers on foot approached the car and told him to move it. § 87(2)(b) attempted to explain that he was waiting for a pregnant friend, but the officers insisted and § 87(2)(b) moved his car to a parking spot nearby. Though § 87(2)(b) made no mention of this comment, § 87(2)(b) testified that as he moved his car he remarked to § 87(2)(b) "See? This is why no one has respect for police officers anymore."

As § 87(2)(b) was about to exit the car, the two officers, later identified as PO Goldberg and PO Linder, approached and told him to stay in the car. **(Allegations A and B)** § 87(2)(b) asked if they were arresting him, but they replied that they "did not know" whether he was under arrest. § 87(2)(b) told them that he had done nothing wrong and began to walk to the mall entrance. According to § 87(2)(b) as § 87(2)(b) walked away from the officers, PO Linder and PO Goldberg stated, "He can't go anywhere. He has to come back." With that, the officers grabbed § 87(2)(b) by either arm, not in an "abusive" manner, but to stop her so that § 87(2)(b) would return. Although the officers did not specifically say why they stopped § 87(2)(b) their comments about wanting § 87(2)(b) to come back indicated to her that they held onto her to entice § 87(2)(b) to return, which he did. As soon as § 87(2)(b) reached the doors to the mall, he turned and noticed that § 87(2)(b) was not with him, that she was being held by the officers, and returned right away.

§ 87(2)(b) turned just before reaching the door to hold it open for § 87(2)(b) and was surprised to see her standing back by the car with each of the officers holding onto her at either arm. **(Allegations C and D)** § 87(2)(b) walked back over to them and asked them what they were doing. The officers unhand § 87(2)(b)

and attempted to grab for § 87(2)(b)'s arms to bring them behind his back. § 87(2)(b) resisted by holding his arms straight out, refusing to be handcuffed, and told the officers to call their supervisor.

A female bystander who later identified herself as § 87(2)(b) approached and asked the officers what they were doing and why they were harassing § 87(2)(b). Within a few minutes, more uniformed officers arrived including a female white with blond hair, about 5'6" tall (PO 3); a male white with dark hair combed to the side, about 6'0" tall and weighing over 200 pounds (PO 4); a tall thin male white with blond hair (PO 5); and a male white between 45-50 years old, about 5'8" tall, thinly built, with dark hair, light eyes, a white shirt and glasses (PO 6). In viewing photographs on 5/17/04, § 87(2)(b) recognized Sgt. Rory Migdol of the 122<sup>nd</sup> Precinct from his photograph as the "patrol supervisor," but made no allegations against him. With the assistance of PO 4 and PO 5, PO Linder and PO Goldberg handcuffed § 87(2)(b) (**Allegations E and F**). § 87(2)(b) admitted to using profanity, but stated that he was not the only one "with a foul mouth." § 87(2)(b) did not elaborate on this comment and made no specific allegations of discourtesy against any of the officers.

According to § 87(2)(b) he rode in a marked patrol car with PO 4, PO 5, and PO Goldberg to the 122<sup>nd</sup> Precinct. One of the additional officers informed § 87(2)(b) that they were taking § 87(2)(b) to the station house because they discovered he was driving with a suspended license. § 87(2)(b) did not learn of this charge until he was at the station house when an officer suggested he would only receive a desk appearance ticket. Instead, § 87(2)(b) was brought to Central Booking and then arraigned. He pled guilty to driving with a suspended license and the rest of the charges were "dropped."

### **Results of Investigation**

#### *Civilian Statements*

§ 87(2)(b) provided a statement over the phone on 1/27/04 and again on 3/25/04. (enc. 6a-c) She has no relationship with § 87(2)(b) or § 87(2)(b) and volunteered herself as an independent witness. On the night of the incident, she and her children were waiting on a bench in front of the mall for her husband to bring their minivan around. While waiting, she observed two officers walk past her to § 87(2)(b)'s car. § 87(2)(b) knew § 87(2)(b) as "§ 87(2)(b)" after speaking with § 87(2)(b) during the incident.) § 87(2)(b) was stopped in a no parking zone and the officers asked him to move several times. § 87(2)(b) explained to the officers that he was waiting for someone to get out of the movies. After the officers insisted, § 87(2)(b) "took off in a bad manner" by screeching his tires when he drove away. The officers seemed to disapprove of § 87(2)(b)'s demeanor: PO 2 (a shorter male uniformed officer) motioned to PO 1 (a taller male white in uniform with glasses) as if to say "let's just go." The taller officer shook his head "no" and walked over to § 87(2)(b)'s car with the shorter officer right behind. The officers were further from § 87(2)(b) at this point, perhaps about twenty feet, and she could not be sure of their exchange.

§ 87(2)(b) exited his car first. § 87(2)(b) was not sure when § 87(2)(b) who was in the passenger seat, exited the car. § 87(2)(b) walked past the officers to the mall. He returned in a moment because the officers were talking to § 87(2)(b) and told the officers to leave her alone—he had parked. One of the officers told him that he was going to be arrested and § 87(2)(b) asked what the charges were. § 87(2)(b) began hysterically crying. The shorter officer spoke with § 87(2)(b) as the taller officer attempted to arrest § 87(2)(b). § 87(2)(b) resisted, but rightly so according to § 87(2)(b) because the officers seemed only to be harassing him. § 87(2)(b) walked over and decided to intervene because the officers should not have approached him to arrest him based on their dissatisfaction with his "attitude." § 87(2)(b) told § 87(2)(b) that she would be there for her, but then had to walk back to tend to her children. The first two officers called for back up and about five to six cars responded.

When questioned about any physical contact the first two officers may have had with § 87(2)(b) did not seem certain. Although she recalled the shorter officer held onto her to calm her as the taller officer arrested § 87(2)(b) the physical contact was not necessarily forceful. § 87(2)(b) admittedly stopped paying attention when § 87(2)(b) began to walk away and only seemed to focus on the incident again when he returned and began to argue with the officers.

§ 87(2)(b)

§ 87(2)(b) has not been cooperative in scheduling an appointment to provide a statement despite numerous messages left for her and a couple of conversations with her stressing the importance of her cooperation. (see IAs)

### *Officer Interviews*

#### **PO Evan Goldberg and PO Michael Linder**

PO Evan Goldberg, a § 87(2)(b) and glasses, was interviewed at the CCRB on 1/23/04. (enc. 7a-f) He recited the following memo book entry: “1910, Asked perp. § 87(2)(b) to move car he stated ‘two minutes’ I told him move the vehicle or I would issue a summons for the no standing zone he was parked in. He then moved the vehicle after stating got nothing better to do than harass me. Perp did then drive the vehicle down the parking lane into a parking spot. Perp exited vehicle I asked him to remain in the vehicle so I could speak to him. He stated get the fuck away from me and take a fucking walk. I’m going into the mall. You’re harassing me. Perp said excuse me I’m leaving when we tried arresting him for Discon he became irate and resisted.” The criminal complaint report filed by PO Goldberg basically reiterates this memo book passage.

Michael Linder, a § 87(2)(b), was also interviewed at the CCRB on 1/23/04. (enc. 8a-f) His memo book reads: “1910, PO Goldberg asked perp § 87(2)(b) to move his car from a no standing zone at 2655 Richmond Avenue. § 87(2)(b) then yelled something out the window of his car and then drove his veh. About 30 ft. from the standing zone after Goldberg told him that if he doesn’t move his car he would give him a summons. We then walked up to his car and asked him to stay in his veh. So that we can talk to him. He stated get the fuck away...we tried arresting him for discon he became irate and resisted. 1918, called 10-85. 1928, 1 under for 511 after running him for ID check additional charges OGA, resisting, discon, failure to comply. During this whole thing his wife was obstructing by standing between us. She was pregnant so we did not arrest her for OGA.”

These officers’ statements are generally consistent, with a few exceptions, and are summarized as follows: On 8/26/03, they were assigned to a foot post at the Staten Island Mall as part of the Atlas team. Part of their duties that night included clearing the “no-parking zones.” They approached § 87(2)(b)’s car because it was parked in one such zone. When PO Goldberg who stood by the driver side of the car asked him to move, § 87(2)(b) told him he would move “in two minutes.” PO Goldberg warned § 87(2)(b) he would receive a summons if he did not move his car. As § 87(2)(b) began to drive away, he shouted something like, “you fucking cops have nothing better to do than harass me.” (PO Linder also testified that § 87(2)(b) yelled something upon driving away, but could not hear the specific comment.) Although PO Goldberg and PO Linder had already started to walk away, PO Goldberg turned around at this comment. Then, upon noticing § 87(2)(b) was not wearing a seatbelt and had just made a dangerous U-turn in the pedestrian cross walk, PO Goldberg decided to approach § 87(2)(b) again. (PO Goldberg stated that the U-turn was not illegal on its face, but was illegal because there were numerous pedestrians crossing the street and considerable traffic at the time.) § 87(2)(b) parked his car in a valid spot a few spaces from the entrance.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), PO Goldberg told § 87(2)(b) to remain in his vehicle, intending to obtain his identification to issue him a summons for the VTL violations. § 87(2)(b) proceeded instead to exit the car and walk to the mall, pushing PO Goldberg to the side as he passed. When PO Linder saw § 87(2)(b) push PO Goldberg, PO Linder walked around to the other side of the car. Both officers briefly chased after § 87(2)(b) as he walked to the mall. A woman, who PO Goldberg identified as § 87(2)(b)’s wife, exited the mall and walked toward § 87(2)(b). PO Linder spoke with her and briefly told her what was going on. The officers had no prior interaction with her and although she was generally pleasant, she was not listening to their instructions to move out of the way.

PO Linder, on the other hand, saw § 87(2)(b) in the passenger seat of § 87(2)(b)’s car from the beginning of the incident. PO Linder also made no mention of § 87(2)(b) “pushing” his partner aside or their supposed chase toward the mall. Rather, PO Linder stated that § 87(2)(b) exited the car and remained outside with them after § 87(2)(b) essentially ignored them and walked by himself to the mall entrance. PO Linder denied that he or his partner had any physical contact with § 87(2)(b). However, he knew that § 87(2)(b) would return

because she was outside with the officers and the officers therefore decided not to follow him into the mall. Within a couple of minutes, § 87(2)(b) did return and his arrest ensued.

§ 87(2)(b) refused to provide his identification and the officers threatened to take him to the station house if he did not cooperate. Either PO Linder or PO Goldberg called a 10-85 and PO Goldberg placed a cuff on § 87(2)(b)'s right hand and then attempted to bring his other hand behind his back. § 87(2)(b) resisted, cursed at him, and § 87(2)(b) interfered. PO Linder assisted as well, but neither officer had any physical contact with § 87(2)(b). About five or six cars from the 122<sup>nd</sup> Precinct, including Sgt. Migdol, responded. A crowd of about twenty to thirty people gathered around also to watch.

After § 87(2)(b) was arrested, a license check revealed that he was driving with a suspended license and he was taken to the 122<sup>nd</sup> Precinct station house.

At the station house, PO Goldberg processed the arrest, and as he said, opted not to charge him with the VTL violations (improper U-turn, no seatbelt, failure to yield to pedestrians) because § 87(2)(b) was already being charged with driving with a suspended license, resisting arrest, and disorderly conduct. § 87(2)(b), § 87(2)(g)

PO Goldberg omitted the VTL violations from his memo book intentionally in an effort to “cut § 87(2)(b) a break.”

PO Goldberg stated that after § 87(2)(b) moved his car, he was free to leave. When he and his partner approached § 87(2)(b)'s car and heard him yell something out the window, it became a completely different incident. § 87(2)(b) was arrested because he did not provide his identification after committing the VTL violations.

#### **Sgt. Rory Migdol**

Sgt. Migdol, a § 87(2)(b) was interviewed at the CCRB on 3/5/04. (enc. 11a-e) Sgt. Migdol could not recall particular details of his tour and assignment and could not refer to his memo book because he made no entries during the period 8/5/03-9/6/03. He believed that he worked a 4x12 tour Atlas overtime on 8/26/03. He could not recall who was assigned as his operator at the time.

PO Goldberg and PO Linder called him to verify an arrest in front of the Staten Island mall. The officers told him that they instructed a motorist to move from a no standing, no parking, zone in front of the mall entrance. The motorist supposedly “gave them a hard time;” he refused to move his vehicle despite the officers' several requests and refused to show his paperwork.

By the time Sgt. Migdol arrived, the man had moved his car to a valid parking spot, although he initially refused. The officers planned to issue him a summons, but then decided to arrest him. Sgt. Migdol speculated that perhaps the man did not have his license. He believed § 87(2)(b) was in handcuffs already. A female on the scene, who appeared to know § 87(2)(b) became agitated and continued yelling. Sgt. Migdol attempted to calm her down. § 87(2)(b) also seemed “agitated” and caused a scene by yelling and drawing a crowd. Sgt. Migdol could not recall whether other officers were on the scene as well.

Although he verified the arrest, Sgt. Migdol could not recall why the officers decided to arrest § 87(2)(b). He also speculated that perhaps § 87(2)(b) was resisting arrest. After verifying the arrest, Sgt. Migdol returned to the station house.

#### **Sgt. Helene Arcuri, PO James Christensen**

Sgt. Arcuri, a § 87(2)(b), was interviewed at the CCRB on 3/10/04. (enc. 9a-e) PO Christensen, a § 87(2)(b), was interviewed at the CCRB on 3/5/04. (enc. 10a-d)

PO Christensen was assigned as the operator for Sgt. Arcuri, the patrol supervisor on 8/26/03. They responded to the 10-85 called by PO Goldberg and PO Linder. PO Christensen remained in the car while Sgt. Arcuri consulted with Sgt. Migdol, who agreed to handle the situation. They remained on the scene for only a few minutes in which time neither of them witnessed anyone have physical contact with § 87(2)(b). PO Christensen learned later that

PO Linder and PO Goldberg called for assistance because “there was a conflict” between the officers and a civilian, precipitated by a traffic violation.

**PO Louis Brinskelle, PO John Hagan, PO James McGlyn**

PO Brinskelle, a heavyset § 87(2)(b), was interviewed at the CCRB on 3/4/04. (enc. 12a-d) He believed that he and PO Hagan were assigned to patrol sectors JMNP, but he had no recollection of the incident or responding to the Staten Island Mall.

PO Hagan, a § 87(2)(b), was interviewed at the CCRB on 3/9/04. (enc. 13a-e) Contrary to PO Brinskelle, he stated that he was patrolling sectors JMNPQR with PO McGlyn on the date of the incident. They responded within two minutes of the call and noticed upon arriving a large crowd in the area and several other police units. “The subject was on the hood of a car, ready to be cuffed,” with PO Linder and PO Goldberg next to him. The subject resisted by standing up and screaming. Neither PO Hagan nor PO McGlyn assisted in handcuffing the man because there were already four other officers nearby, none of which he could identify by name. The subject’s pregnant wife meanwhile walked around yelling in protest. PO Hagan indicated in his memo book that he and PO McGlyn transported one male prisoner to the station house.

PO McGlyn, a § 87(2)(b), was interviewed at the CCRB on 3/26/04. (enc. 14a-d) His memo book indicated that he was not on duty the date of the incident and he denied responding to the incident location.

**PO Christopher McNicholas, PO Sean Johnstone**

PO McNicholas, a § 87(2)(b), was interviewed at the CCRB on 3/4/04. (enc. 15a-e) PO Johnstone, a § 87(2)(b), was interviewed at the CCRB on 3/17/04. (enc. 16a-b) They worked together the date of the incident patrolling sectors DEFG. They both recorded a different job, several miles away from the incident location, at the time of the incident and denied ever responding to the Staten Island Mall to assist PO Linder and PO Goldberg.

*Police Department Documents*

According to the Sprint printout for the incident, either PO Linder or PO Goldberg first transmitted an arrest at about 1913 hours. Several units arrived—sector J, a sergeant, sector D, and another unidentified unit (SP4) assigned to the 122<sup>nd</sup> Precinct. (enc. 17a-b) § 87(2)(b) arrived at the 122<sup>nd</sup> Precinct at 1955 with PO Goldberg who logged the charges as “511, resisting, discon.” (see command log, enc. 18a-c) He remained at the station house until 0200 hours when he was brought to Central Booking. (see holding pen roster, enc. 19a)

§ 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

*Officers’ CCRB Histories*

Neither PO Goldberg nor PO Linder have any prior substantiated allegations or other pending allegations in their CCRB histories. (enc. 1a-2a)

## Conclusions and Recommendations

### Officer Identification

§ 87(2)(b) identified PO Goldberg by name and as his arresting officer. PO Goldberg is also readily identifiable as the “taller officer” with glasses in § 87(2)(b) story. All officer statements and the roll call indicate that PO Linder was PO Goldberg’s partner that day. As such, the decision to stop § 87(2)(b) and arrest him is pled against both of them; they worked in concert with one another and were not under the specific direction of any supervisors at the onset of the incident. The alleged forcible stop of § 87(2)(b) is pled against both of them as well pursuant to the complainants’ statements. The other officers who responded to assist PO Linder and PO Goldberg arrest § 87(2)(b) remain unidentified. Though PO Hagan admittedly responded to the location, he denied any physical contact with § 87(2)(b). Because whichever officers responded, they would have been compelled to use force to arrest § 87(2)(b) and overcome his resistance, and because the officers remain unidentified, the allegation of force is not pled.

### *Undisputed Facts*

On 8/26/03 § 87(2)(b) drove with his pregnant girlfriend, § 87(2)(b) to the Staten Island Mall and stopped his car in a no standing zone. PO Linder and PO Goldberg approached and instructed him to move. § 87(2)(b) refused and attempted to explain that he wanted to wait for his friend. The officers insisted and § 87(2)(b) complied. As he hastily pulled away, he made a negative comment that the officers overheard. § 87(2)(b) who sat watching nearby, observed § 87(2)(b) pull away with screeching tires as he parked into a valid spot. PO Linder and PO Goldberg approached the car and instructed § 87(2)(b) to stay in his car. § 87(2)(b) refused and walked toward the mall, leaving § 87(2)(b) behind. When § 87(2)(b) saw that she was not behind him, he returned and engaged in an argument with the officers. PO Linder and PO Goldberg struggled to arrest § 87(2)(b) who resisted. They called for back up and several units including Sgt. Migdol, Sgt. Arcuri, and others from the 122<sup>nd</sup> Precinct, responded. Upon checking his name in the computer terminal at the scene, PO Linder and PO Goldberg determined that § 87(2)(b)'s driver's license was suspended. § 87(2)(b) was brought to the 122<sup>nd</sup> Precinct where he was charged and then his arrest was processed. He pled guilty to driving with a suspended license, paid a fine, and the remaining charges were dismissed.

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

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§ 87(2)(b), § 87(2)(g)

**Allegation A: PO Evan Goldberg stopped and questioned** § 87(2)(b)

**Allegation B: PO Michael Linder stopped and questioned** § 87(2)(b)

§ 87(2)(b) does not dispute that he parked in a “no-parking zone” in front of the mall. He does not dispute that he resisted the officers instructions to move. Yet he did move when the officers insisted. The reason the officers approached § 87(2)(b) after he had parked in a legitimate spot is unclear.

§ 87(2)(b) admittedly made a negative or chastising comment upon driving away. He, § 87(2)(b) and § 87(2)(b) argued this comment prompted the officers to approach to retaliate. PO Goldberg and PO Linder expressed some disdain for the comment. PO Goldberg went so far as to state that the incident changed entirely after § 87(2)(b) made the remark. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation C: PO Michael Linder stopped** § 87(2)(b)

**Allegation D: PO Evan Goldberg stopped** § 87(2)(b)

Patrol Guide Section 212-11 delineates the circumstances under which an officer may stop, frisk, and search an individual during a street encounter:

When a uniformed member of the service reasonably suspects a person has committed, is committing or is about to commit a felony or misdemeanor as defined in the Penal Law:

1. Stop person and request identification and explanation of conduct.
  - a. If not in uniform, identify yourself as a police officer.
2. Frisk, if you reasonably suspect you or others are in danger of physical injury.
3. Search, if frisk reveals object which may be a weapon.

In *People v. DeBour*, 40 NY2d 210, 386 NYS2d 375 (1976) the Court established four levels of police intrusions and the justification for each, which qualify the procedure stated above. These are:

- 1) An officer can approach a civilian to request information such as his name, but is does not necessarily suspect criminality.
- 2) The common law right to inquire allows an officer to request information and obtain explanatory information, but requires “a founded suspicion that criminal activity is afoot.” This level of inquiry focuses on the civilian as a suspect.



- 3) An officer can forcibly stop and detain a person when there is a reasonable suspicion that the person has committed, is about to commit, or is committing a misdemeanor or felony.
- 4) Once the officer has stopped the civilian and then “entertains an independent and reasonable suspicion that he is in physical danger because the detainee is armed, the officer may frisk the detainee.” (enc.)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation E: PO Michael Linder arrested** § 87(2)(b)

**Allegation F: PO Evan Goldberg arrested** § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: